

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:10-CR-878
	§	
ALBERTO CARDENAS	§	

**ORDER**

Alberto Cardenas filed a letter motion requesting appointment of counsel to file a motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c) and Amendment 782 to the sentencing guidelines. D.E. 50. The Court construes his letter motion to include a request for sentence reduction pursuant to Amendment 782. Because Cardenas does not qualify for relief pursuant to Amendment 782, his motion is denied.

Cardenas was sentenced to 120 months in the Bureau of Prisons in 2011 based upon his guilty plea to possession with intent to distribute 7.9 kilograms of cocaine. D.E. 27. “A defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission” may apply for a reduction in his sentence if the amendment applies retroactively. 18 U.S.C. §3582(c)(2); *see also Freeman v. United States*, 131 S.Ct. 2685, 2690-91 (2011) (reciting standard for sentence modifications); *Dillon v. United States*, 560 U.S. 817, 824-25 (2010). Amendment 782 became retroactive on November 1, 2014, but offenders may not be released from custody pursuant to retroactive application of Amendment 782 before November 1, 2015. U.S.S.G. § 1B1.10(e).


Importantly, however, Amendment 782 does not benefit Cardenas. Cardenas was sentenced to a statutory minimum sentence of 120 months pursuant to 21 U.S.C. § 841(b)(1)(A). D.E.27. Although Amendment 782 modified the drug quantity table, Congress did not modify

the statutory minimum sentence. Because Cardenas does not qualify for relief, the Court denies his motion for counsel as unnecessary and also denies his construed motion for sentence reduction.

### **CONCLUSION**

The Court DENIES Cardenas' motion to appoint counsel and his construed motion for sentence reduction. D.E. 50.

SIGNED and ORDERED this 27th day of February, 2015.

  
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Janis Graham Jack  
Senior United States District Judge